

**ORDINANCE NO. 2022-22
SHORT-TERM RENTALS**

AN ORDINANCE AMENDING THE SEABROOK CITY CODE OF ORDINANCES, CHAPTER 18, “BUILDINGS AND BUILDING REGULATIONS”, BY AMENDING ARTICLE VIII, “REQUIREMENTS FOR OWNERS OF RESIDENTIAL PROPERTIES USED AS SHORT-TERM RENTALS”, SECTION 18-603 “SHORT-TERM RENTAL PERMIT APPLICATION”, SUBSECTION (C) “ANY EXISTING SHORT-TERM RENTAL SHALL HAVE NINETY (90) DAYS FROM ADOPTION OF THIS ORDINANCE TO COMPLETE THE REQUIRED RESTRATION AND OBTAIN THEIR SHORT-TERM RENTAL PERMIT”; REDEFINING THE DEADLINE TO OBTAIN THE REQUIRED PERMIT FROM NINETY (90) DAYS TO JANUARY 1, 2023; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$500.00 PER OFFENSE FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City Council of the City of Seabrook, Texas has investigated and determined that it would be advantageous, beneficial and in the best interest of the citizens of the City of Seabrook, Texas to amend the Seabrook Code of Ordinances, Chapter 18, “Buildings and Building Regulations”, by amending Article VIII, “Requirements for Owners of Residential Properties Used as Short-Term Rentals”, Section 18-603 “Short-Term Rental Permit Application”, Subsection (C) by redefining and extending the deadline to obtain a permit to operate a Short-Term Rental from 90 days to January 1, 2023; and

WHEREAS, the City Council of the City of Seabrook is continually reviewing the provisions of the City Code of Ordinances relating to land use and other circumstances which generally impact the health, safety and well-being of residents, citizens and inhabitants; and

WHEREAS, the Planning and Zoning Commission of the City of Seabrook has conducted a public hearing, received input from staff and is of the opinion and has issued its final report that the amendments hereto are necessary for the public safety, health and welfare and for protection of the residents; and

WHEREAS, the City Council and the Planning and Zoning Commission of the City of Seabrook have studied the present provisions of the Code of Ordinances of the City of Seabrook and have determined the need to update the provisions relative to redefining the deadline to obtain a short-term rental permit from 90 days to January 1, 2023; and

WHEREAS, all public notices have been posted, published and all required hearings on this matter have been held in accordance with the Comprehensive Zoning Ordinance and law; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEABROOK, STATE OF TEXAS:

SECTION 1. FINDINGS OF FACT.

That the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

SECTION 2. AMENDMENT TO THE SEABROOK CITY CODE OF ORDINANCES, CHAPTER 18, “BUILDINGS AND BUILDING REGULATIONS”

The Code of Ordinances of the City of Seabrook, Chapter 18, “Building and Building Regulations”, Article VIII. “Requirements for Owners of Residential properties Used as Short-Term Rentals”, Section 18-603 “Short-Term Rental Permit Application”, Subsection (C) is hereby amended as follows:

“Sec. 18-603. Short-Term Rental Permit Application

(a) Application for a Short-Term Rental Permit shall include the following information, along with a non- refundable application fee in the amount of three hundred dollars (\$300.00):

(1) A list of all owners, operators and agents (if applicable) of the Short-Term Rental, including names, addresses and current email addresses and telephone numbers of each such person;

(2) The name, address and 24-hour telephone number of a contact person who is the owner, operator or designated agent and who shall be responsible and authorized to respond to complaints concerning the Short-Term Rental;

(3) An acknowledgement that any permit granted under this Article does not supersede any property-specific restrictions against Short-Term Rentals that may exist under law, agreement, lease, covenant or deed restriction;

(4) A depiction of the floor plan that identifies sleeping areas, proposed maximum number of guests, evacuation routes and location of all fire extinguishers and smoke alarms;

(5) All floors with an enclosed space of any kind must have a minimum of one (1) Class 2A:10B:C type fire extinguisher (standard 5lb. fire extinguisher) mounted so as to be conspicuous and convenient for the occupants.

(6) The guest safety information required by Section 18-606.; and

(7) A sworn statement that the owner has met and will continue to comply with all requirements of this Article including, but not limited to, obtaining annual inspections of required fire extinguishers in compliance with this Article, along with the City's current Fire Code.

(b) Applications shall be considered complete when all documentation required under this Article has been submitted and all permit fees have been paid. Incomplete applications will not be accepted.

~~[(c) Any existing Short-Term Rental shall have ninety (90) days from adoption of this ordinance to complete the required registration and obtain their Short-Term Rental permit.]~~

(c) Any existing Short-Term Rental shall have until January 1, 2023 to complete the required registration and obtain their Short-Term Rental permit.

(d) Transferability. A Short-Term Rental Permit is not transferable to a new property owner. A new owner must apply for a Short-Term Rental Permit within sixty (60) days from the closing date of the purchase or any other conveyance of ownership. Failure of a new property owner to apply for permit within sixty (60) days from the closing date may result in the revocation or non-renewal of an existing Short-Term Rental Permit or the denial of a new Short-Term Rental registration.

(e) Any property owner delinquent and/or owing City of Seabrook fees, to include, but not limited to, hotel occupancy tax, sanitation or water service fees will be prohibited from registering a Short-Term Rental until such time as payment or acceptable resolution is approved by the City of Seabrook finance department.

(f) Unless revoked by the Director earlier pursuant to this Article, The initial Short-Term Rental Permit expires twenty-four (24) months from the date of issuance. Subsequent renewal of a Short-Term Rental permits will be on an annual calendar year. A permit holder shall apply for renewal prior to December 31st on a form provided by the Director or designee. The permit holder shall update the information contained in the original permit application required under this section or any subsequent renewals under this section, if any of the information has changed. The permit holder shall sign a statement affirming that there is either no change in the information contained on the original permit application and any subsequent renewal applications, or that any information that has been updated is accurate and complete. Complete applications for

renewal received after the expiration of a current permit shall be treated as applications for a new permit. The amount of the non-refundable fee for renewal of a Short-Term Rental Permit is three hundred dollars (\$300.00).

(g) Upon receipt of a complete application for renewal of a Short-Term Rental Permit, the Director or designee may deny the renewal of a Short-Term Rental Permit if it is determined that the permit was issued in error or on the basis of incorrect information supplied by the applicant or if:

(1) The permit holder has pleaded no contest to or been convicted of a violation of any ordinance of the City, or any state or federal law, related to operation of a Short-Term Rental on the premises or has permitted such a violation on the premises by any other person. Such violation may include, but is not limited to, parking, noise, littering, destruction of property, disorderly conduct or failure to pay hotel occupancy taxes; or

(2) There are grounds for suspension, revocation or other registration sanctions as provided for in this Article.

(h) A permit to operate a Short-Term Rental is not transferable to another owner, operator or location.”

SECTION 3. INCORPORATION INTO THE CODE, PENALTY CLAUSE.

This Ordinance is hereby incorporated and made a part of the Code of the City of Seabrook. Violation of this Ordinance is subject to the penalty section of said Code of Ordinance, Section 1-15 “General penalty; continuing violations” which provides that any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$500.00. Each day of violation shall constitute a separate offense.

SECTION 4. REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances in conflict or inconsistent with this Ordinance are hereby expressly repealed.

SECTION 5. SEVERABILITY.

In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof

other than the part declared to be invalid or unconstitutional; and the City Council of the City of Seabrook, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

SECTION 6. NOTICE.

The City Secretary shall give notice of the enactment of this Ordinance by promptly publishing it or its descriptive caption and penalty after final passage in the official newspaper of the City; the Ordinance to take effect upon publication.

PASSED AND APPROVED on first reading with a quorum present, by an affirmative vote of a majority of Councilmembers present, in accordance with Seabrook City Charter Section 2.10 on this 18th day of October, 2022.

PASSED, APPROVED, AND ADOPTED on final reading with a quorum present, by an affirmative vote of a majority of Councilmembers present, in accordance with Seabrook City Charter Section 2.10 on this 1st day of November, 2022.

Thomas G. Kolupski

BY: _____
Thomas G. Kolupski, Mayor

ATTEST:

Robin Lenio

By: _____
Robin Lenio, TRMC
City Secretary



APPROVED AS TO FORM:

Steven L. Weathered

Steven L. Weathered
City Attorney